

Applicant is notified that the Information Disclosure Statement (IDS) filed April 28, 2006 is included with the instant Office Action. Please note that NPL Cite No. C14 was not presented with a date of publication on the IDS as originally filed. This has been corrected in the attached and completed copy of the IDS filed April 28, 2006. The attached, completed and corrected version contained herein the instant Office Action is intended to **supersede** the initialed version of this IDS filed April 28, 2006 that was mailed to Applicant on November 16, 2006.

Applicant is also notified that a corrected form PTO-892, which was originally mailed to Applicant on June 26, 2008, is additionally included with the instant Office Action to properly set forth the date of publication of the reference cited as "U".

EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Allen White (Reg. No. 55,727) on Friday, July 10, 2009.

The following amendments have been authorized:

IN THE CLAIMS:

Please amend Claim 109 in the following manner:

---109. (Currently Amended) A method for inducing intracellular hyperthermia in a subject comprising the step of administering to a subject having an infection of *Borrelia burgdorferi*, *Mycobacterium leprae*, *Treponema pallidum*, HIV, hepatitis C, ~~or~~ herpes virus ~~or papillomavirus~~, an amount of 2,4-dinitrophenol sufficient to induce whole body intracellular hyperthermia in the subject, wherein the whole body intracellular hyperthermia is sufficient to treat the *Borrelia*

burgdorferi, Mycobacterium leprae, Treponema pallidum, HIV, hepatitis C, or herpes virus-~~or~~
~~papillomavirus~~ infection in the subject.---

Please amend Claim 112 in the following manner:

---112. (Currently Amended) The method of claim 109, wherein a second medication is administered, wherein the second medication increases the overall metabolic rate of the subject ~~subje~~, or an increase in free radical flux.---

Please amend Claim 116 in the following manner:

---116. (Currently Amended) A method for inducing intracellular hyperthermia in a subject comprising the step of administering to a subject having an infestation of ~~Candida~~, Sporothrix schenckii, Histoplasma, paracoccidioides, Aspergillus, Leishmania, malaria, acanthamoeba, or cestodes, an amount of 2,4-dinitrophenol sufficient to induce whole body intracellular hyperthermia in the subject, wherein the whole body intracellular hyperthermia is sufficient to treat the ~~Candida~~, Sporothrix schenckii, Histoplasma, Paracoccidioides, Aspergillus, Leishmania, malaria, acanthamoeba or cestodes infestation in the subject.---

Claims 109, 112-117 and 120-121 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Royds whose telephone number is (571)-272-6096. The examiner can normally be reached on Monday-Friday (9:00 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie A. Royds/
Patent Examiner, Art Unit 1614

July 13, 2009

/Ardin Marschel/
Supervisory Patent Examiner, Art Unit 1614